

# **Alabama Board of Funeral Service**

## **ADMINISTRATIVE CODE**

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### **BOARD AND ITS MEMBERS**

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**395-X-1-.01 Organization.** The Alabama Board of Funeral Service is made up of seven members, one from each U.S. Congressional District of the state. The term of a member shall be two years and no person may serve more than two terms. Four (4) of the members shall have been practicing and licensed embalmers in Alabama for the ten (10) consecutive years immediately preceding their appointment and shall be licensed as embalmers and funeral directors during their terms. Three (3) of the members shall have been actively engaged in funeral directing in Alabama for ten (10) consecutive years, immediately preceding their appointment, and shall be licensed as funeral directors and shall be operators of a funeral establishment in this state at the time of their appointment. Should a member, for any reason, become ineligible to serve on the Board, the position shall become vacant and a new person, properly qualified, shall be appointed by the Governor to fill the vacancy and said person shall complete the remainder of such term. The Board officers consist of chairman, vice chairman, treasurer, and secretary. These positions shall be filled by the Board during the first meeting immediately following the appointment each year. No more than four (4) members of the Board shall be of the same race, nor shall the chairman or vice chairman be of the same race.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Amended: Filed August 9, 1985.

**395-X-I-.02 Nomination And Appointment.** In October of each year, a meeting shall be held in Montgomery for the purpose of nominating eligible candidates to serve on the Board. Nominations are taken for Districts One (1), Two (2), and Five(5) on even numbered years and Districts Three (3), Four (4), Six(6), and Seven (7) on odd numbered years. Three nominees from each district shall be selected and their names submitted to the Governor, who shall appoint one person from each district. New members are sworn in at the first regular meeting following December 31 of the respective year.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Amended: Filed August 9, 1985.

**395-X-1-.03 Meetings.** The Board shall meet at least once quarterly for the purpose of administering examinations for funeral directors and/or embalmers and for conducting Board business. Special meetings may be called by the Board or the executive secretary to deal with matters that require immediate attention. All business meetings are open to the public with the exception of executive sessions allowed by the state "sunshine law." Anyone wishing to appear before the Board or who wishes the Board to consider a new rule, rule amendment, or repeal, should make such request in writing and submit it to the Board office to have the matter placed on the agenda of the next meeting.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Amended: Filed August 9, 1985.

**395-X-I-.04 Board Staff.** The Board shall employ an executive secretary and an associate executive secretary, who shall not be of the same race, to operate the Board office. They may also employ an administrative assistant to aid in the operation. The staff shall work at the pleasure of the Board and the Board shall set all conditions and policies of employment. The executive secretary has the capacity of director of the Board office and has interim decision authority when the Board is not in session. All decisions made by the executive secretary are subject to Board approval. The associate executive secretary shall aid the executive secretary in his duties.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Amended: Filed August 9, 1985.

**CHAPTER 395-X-2**  
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**395-X-2-.01 Application For License.** Anyone wishing to apply for any type of license with the Board, must do so on a form supplied by the Board. Said applicant must meet and comply with all provisions of Title 34, Chapter 13, Code of Ala. 1975, relating to licensure and application thereof. No application is considered valid unless it is submitted to and received by the Board office. The passing score for any Board examination shall be 70% correct answers. The Board shall establish the beginning time of all examinations it administers. These examinations shall be completed within 210 minutes within said beginning time, as set by the Board, regardless of the length or number of sections of the examinations. In addition to the application fee, the Board shall charge each applicant an examination fee of \$100.00 for each funeral directing or embalming exam taken.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-70(c), 34-13-90(c).

History: Amended: Filed August 9, 1985; August 8, 1986 (rule title changed from "Application of License" to "Application for License"); August 7, 1991. Amended: Filed August 10, 2004; effective September 14, 2004.

**395-X-2-.02 Renewal Of License.** All licenses expire each year on October 1. Each license must be renewed on or before this date or it shall be considered lapsed and may only be renewed by payment of license and penalty fees and meeting all requirements for delinquent renewal as provided in Code of Ala. 1975, §34-13-55. Renewal notices shall be mailed by the Board office Chapter 395-X-2-.03 Funeral Service Board Supp. 9/30/04 2-2 at least sixty (60) days prior to the expiration date. Each license contains the expiration date and, therefore, failure to receive a renewal notice does not exempt a licensee from the required renewal of his/her license.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Amended: Filed August 9, 1985; August 8, 1986.

**395-X-2-.03 License Renewal Fees.** The fees for license renewal are as follows:

- (a) Funeral Director.....\$ 50.00
- (b) Embalmer.....\$ 50.00
- (c) Practical Embalmer.....\$ 50.00
- (d) Apprentice.....\$ 20.00
- (e) Establishment Operators.....\$100.00

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26, 34-13-53(a).

History: Originally filed as Rule No. 395-X-2-.04 entitled "Cost of Renewal License." Amended: Filed April 5, 1983; August 9, 1985. Amended: Filed May 3, 2002; effective June 7, 2002. Amended: Filed May 14, 2003; effective June 18, 2003.

**395-X-2-.04 Original Application Fees.** The fees for an original application are as follows:

- (a) Funeral Director.....\$ 50.00
- (b) Embalmer.....\$ 50.00
- (c) Apprentice.....\$ 20.00
- (d) Establishment.....\$200.00

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Amended: Filed April 6, 1983; August 9, 1985. (Formerly Rule No. 395-X-2-.05.) Amended: Filed May 3, 2002; effective June 7, 2002. Funeral Service Board Chapter 395-X-2 Supp. 9/30/04 2-3

**395-X-2-.05 State Laws Examination.** All candidates for original funeral director and/or embalmer licensure must successfully complete an examination on Alabama Funeral Service law and regulations. A passing score shall be 70% correct answers. This examination shall be in addition to any other examinations or tests prescribed in Title 34, Chapter 13, Code of Ala. 1975. This requirement shall become effective October 1, 1986. The Board shall supply to each funeral establishment, within fiscal year 1985-86, a copy of the state funeral service laws and regulations and any amendments or revisions of the same made thereafter.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Filed August 9, 1985.

**395-X-2-.06 Disaster Mutual Aid.** In the event that a disaster or state of emergency occur resulting in massive casualties which overwhelms the capabilities of funeral directors and embalmers of the affected community, licensed embalmers and funeral directors from other states may assist such local efforts in providing funeral directing and embalming services under the following conditions:

- (a) That the disaster related casualties exceed the capabilities of the local licensees;
- (b) That the disaster be declared as such by the appropriate emergency management officials;
- (c) That the out-of-state licensees be eligible for reciprocity licensure in Alabama;
- (d) That the out-of-state licensees be authorized members of disaster mortuary teams;
- (e) That the services provided by these licensees be limited for the duration of servicing the disaster and that their service be under the supervision of Alabama licensees;
- (f) That only Alabama licensed funeral directors may sign death certificates relating to the disaster.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §§34-13-3, 34-13-26.

History: Filed August 7, 1991.

### **CHAPTER 395-X-3**

#### **APPRENTICE**

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395-X-3-.01 Apprentice Funeral Director

395-X-3-.02 Apprentice Embalmer

395-X-3-.03 Apprentice Supervision

**395-X-3-.01 Apprentice Funeral Director.** Each apprentice funeral director shall assist in conducting a minimum of twenty (20) funerals each year of his/her apprenticeship; it being the specific intent of the Board that no person shall be approved for funeral director licensure unless he/she has assisted in conducting a minimum of forty (40) funerals prior to application for licensure. Each apprentice funeral director shall maintain a record of said services containing the name of the deceased, date of service, and signature of the supervising funeral director. Said record shall be submitted to the Board with the apprentice annual report and forms shall be supplied to the apprentice by the Board with the original application and each renewal notice thereafter. The provisions of this regulation shall come in effect for each apprentice originally applying on or after October 1, 1985, and shall be in addition to requirements provided in Title 34, Chapter 13, Code of Ala. 1975.

Author: Board of Funeral Service

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Amended: Filed August 9, 1985. (Rule previously entitled "Apprentice Funeral Directors and Embalmers.")

**395-X-3-.02 Apprentice Embalmer.** Each apprentice embalmer shall assist in embalming a minimum of twenty (20) human dead bodies each year of his/her apprenticeship, it being the specific intent of the Board that no person shall be approved for embalmer licensure unless he/she has assisted in embalming a minimum forty (40) human dead bodies prior to application for licensure.

Each apprentice embalmer shall maintain a record of said embalming, containing the name of the deceased, date of embalming, and signature of the supervising embalmer. Said record shall be submitted to the Board with the apprentice annual report and forms shall be supplied to the apprentice by the Board with the original application and each renewal notice thereafter. The provision of this regulation shall come into effect for each apprentice originally applying on or after October 1, 1985, and shall be in addition to requirements provided in Title 34, Chapter 13, Code of Ala. 1975.

Author: Board of Funeral Service

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Amended: Filed August 9, 1985. (Rule previously entitled "Apprentice Annual Reports.")

**395-X-3-.03 Apprentice Supervision.**

(1) Title 34, Chapter 13, Code of Ala. 1975, requires apprentice funeral director's period of apprenticeship to be under the supervision of a licensed funeral director. Title 34, Chapter 13, Code of Ala. 1975, requires apprentice embalmers' period of apprenticeship to be under the supervision of a licensed embalmer.

(2) Whenever an apprentice funeral director or apprentice embalmer is performing any of the activities or duties of licensed funeral directors or embalmers, respectively, a licensed funeral director or licensed embalmer under whose supervision the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must: (a) be present on the premises of the funeral establishment where the activities or duties are being performed; and (b) be readily available to assist the apprentice.

(3) In an apprentice funeral director or apprentice embalmer is performing any of the activities or duties of licensed funeral directors or embalmers, respectively, and that work is not being performed on the premises of the funeral establishment, a licensed funeral director or licensed embalmer under whose supervision the apprentice funeral director or apprentice embalmer is performing the particular activity or duty, must: (a) be present on the presence of the church, synagogue, chapel, auditorium, cemetery, or any other location where the activities or duties are being performed; and (b) be readily available to assist the apprentice.

Author: Alice Maples

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: New Rule: Filed August 10, 2004; effective September 14, 2004.

**CHAPTER 395-X-4  
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395-X-4-.02 Annual Inspections Of Funeral Establishments  
395-X-4-.03 Complaints And Investigations

**395-X-4-.01 Original Inspection Of Funeral Establishments.** Before a funeral establishment may open for business, an inspection of the premises must be made by one of the Board's staff or its members to verify that the establishment is in compliance with all rules and laws. The Board shall charge a fee of thirty-five (35) dollars for the first inspection and seventy-five (75) dollars for any reinspection necessitated by failure to meet minimum requirements in the first inspection.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Amended: Filed August 8, 1986.

**395-X-4-.02 Annual Inspections Of Funeral Establishments.** The Board shall inspect each funeral establishment at least once annually to ensure sufficient operation of the establishments. The Board shall charge a fee of thirty-five (35) dollars for each inspection conducted as provided in Code of Ala. 1975, §34-13-111(b). Said fees shall be submitted to the Board within forty-five (45) days of the inspection. Should an establishment be found to be noncompliant of state funeral service laws or regulations, the inspector may give the establishment a specified period of time, to be set by the inspector, to correct the violations. Following the duration of such period, said establishment will be reinspected. Should the same violations remain; the establishment operator will be notified to appear before the Board to answer charges of violating state funeral service laws or regulations. It is hereby declared to be the intent of the Board that such period of compliance and reinspection is left completely to the discretion of the investigator and should violations or inadequacies found on the initial inspection pose serious consequences, the investigator may request the establishment operator to appear before the Board for such violations without providing period of compliance on reinspection.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Amended: Filed August 8, 1986.

**395-X-4-.03 Complaints And Investigations.** Any person who feels that a licensee has committed an act which is in violation of state laws or regulations relating to funeral service may make a complaint to the Board. The Board will only accept formal written complaints unless in the discretion of the Board representative receiving the complaint, there is sufficient information supplied by an oral complaint to warrant further investigation. After a complaint is received and reviewed, the Board staff may conduct an investigation into the charges. If an investigation is initiated, upon its completion, the investigator, along with one Board member and/or legal counsel, shall review the evidence obtained to decide if an administrative hearing by the Board is necessary. If such hearing takes place, the Board and its staff shall inform the accused licensee and meet any other

requirements as set forth in Title 34, Chapter 13, and Title 41, Chapter 22, Code of Ala. 1975, relating to administrative hearings. Should a Board member be involved in the investigation or in deciding the necessity of a hearing, said member shall not participate in hearing the merits of the case or the final decision process of the hearing.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Filed August 8, 1986.

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395-X-5-.01 Payments To The Board

**395-X-5-.01 Payments To The Board.** The Board will only accept cash, money orders, certified checks, and cashiers checks as payment if the issuer has previously issued a bad check to the Board. There will be a \$30.00 fee for any returned or uncollectable check, in addition to the original amount of the check. Personal or business checks will be accepted as long as the said checks are collectable.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: Filed April 6, 1983. Amended: Filed August 11, 2009; effective September 15, 2009.

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- 395-X-6-.06 Embalming Records
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**395-X-6-.01 Preparation Room.** The preparation room of a funeral establishment shall have at least one approved embalming table and all professional instruments necessary for embalming and the preparation of dead human bodies. The walls and floors shall be non-porus for easy cleaning. The

preparation room shall be equipped with hot and cold running water, a ventilation fan, container or receptacles for soiled linen or clothing, and devices for proper drainage and waste disposal. All contents or items shall be kept clean of blood when not in use and at no time will the preparation room be used as a storage area.

Author:

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-6-.02 Display Or Selection Room.** Each establishment shall have a selection or display room for persons to view available funeral merchandise or supplies. In addition to statutory requirements the display room shall be clean and neatly arranged and shall be stocked with a minimum of eight (8) adult caskets.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-6-.03 Rest Rooms.** Each establishment shall have at least one public rest room. The rest room(s) shall have nonporous floors and clean walls and also shall be equipped with hot and cold running water, roll or disposable towels, and necessary lighting for adequate visibility. The rest room(s) shall not be used as a storage area for mops, brooms, or any other items.

Author:

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-6-.04 General Interior.** The interior of the establishment shall be maintained to assure that there are no rotten or deteriorated boards or flooring which would be subject to public travel. All outside openings shall be screened, covered, or otherwise sealed to prevent the entrance of insects or rodents. Any openings between the preparation room and public areas shall be sealed to prevent fumes from escaping into such areas. All public areas should be maintained to present a clean and attractive appearance which includes the repair and maintenance of all walls and floors which may have holes, scaling paint, or any other deterioration.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-6-.05 General Exterior.** The exterior and immediate surroundings of the establishment should be maintained to assure that the premises be free of litter and debris and that all areas subject to public travel be free of objects or other matter which could cause possible injury. All roofing or overhead covering shall be maintained to prevent any leaks to the interior of the establishment.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-6-.06 Embalming Records.** Each funeral establishment in the state, beginning January 1, 1986, shall keep a record of each human dead body embalmed at said establishment and shall retain such record for a period of not less than four (4) years. The record may be in simple log form, but shall contain the name of the deceased, date of embalming, time embalming procedure began and ended, and the signature of the embalmer. Said records may contain any additional information, at the discretion of the establishment, so long as it meets the aforementioned provisions. Embalming records will be checked during the annual inspection beginning fiscal year 1986-87.

Author:

Statutory Authority: Code of Ala. 1975, § 34-13-26.

History: Filed August 9, 1985.

**395-X-6-.07 Identification Of Dead Human Bodies.** In addition to the identification systems as provided in Section 22-19-5, Code of Ala. 1975, the Alabama Board of Funeral Service hereby provides that non-detachable ankle bracelets are deemed as an approved method of identification of dead human bodies in the possession or custody of a funeral establishment in this state.

Author: Warren S. Higgins

Statutory Authority: Code of Ala. 1975, §34-13-26.

History: New Rule: Filed August 11, 2009; effective September 15, 2009.

## **CHAPTER 395-X-7**

### **EYE ENUCLEATING TECHNICIANS**

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**395-X-7-.01 Application.** Anyone wishing to become a licensed eye enucleating technician shall make written application to the Board on a form provided by the Board or the Alabama Lion's Eye and Tissue Bank. In order to qualify for a license as an enucleating technician, the applicant shall: (a) be a licensed embalmer in the state of Alabama; (b) have completed a course of study in mortuary science at such school or college as defined in the state funeral service laws; and (c) have completed a certification training course of the Alabama Lion's Eye and Tissue Bank in eye enucleation instruction.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-7-.02 Certification Training Course.** Anyone meeting all other requirements for licensure and wishing to enroll in the enucleation certification training course may do so by informing the Board office or the Alabama Lion's Eye and Tissue Bank prior to the date of the course, which shall be set by the eye bank. It is the Board's intent that an apprentice embalmer may enroll in the training course, provided the said apprentice will become eligible for an embalmer license within six months of the training course.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.

**395-X-7-.03 Licensure And Renewal.** Each licensed enucleating technician shall be eligible for renewal of said license each October 1st by performing at least one eye enucleation or completing a refresher training course not more than two years prior to said renewal date. The Alabama Lion's Eye and Tissue Bank shall keep an accurate record of all enucleations and of those persons completing refresher training courses and submit to the Board, no later than September 1 of each year, a list of all licensed technicians eligible for renewal. Should a licensee fail to meet the renewal requirements of this section, the license may only be renewed by completing a refresher training course.

Author:

Statutory Authority: Code of Ala. 1975, §§ 34-13-26, 34-13-151.

History: Filed July 31, 1984.